



4-1-2010

The Innocence Quarterly [Spring 2010]

Northern California Innocence Project

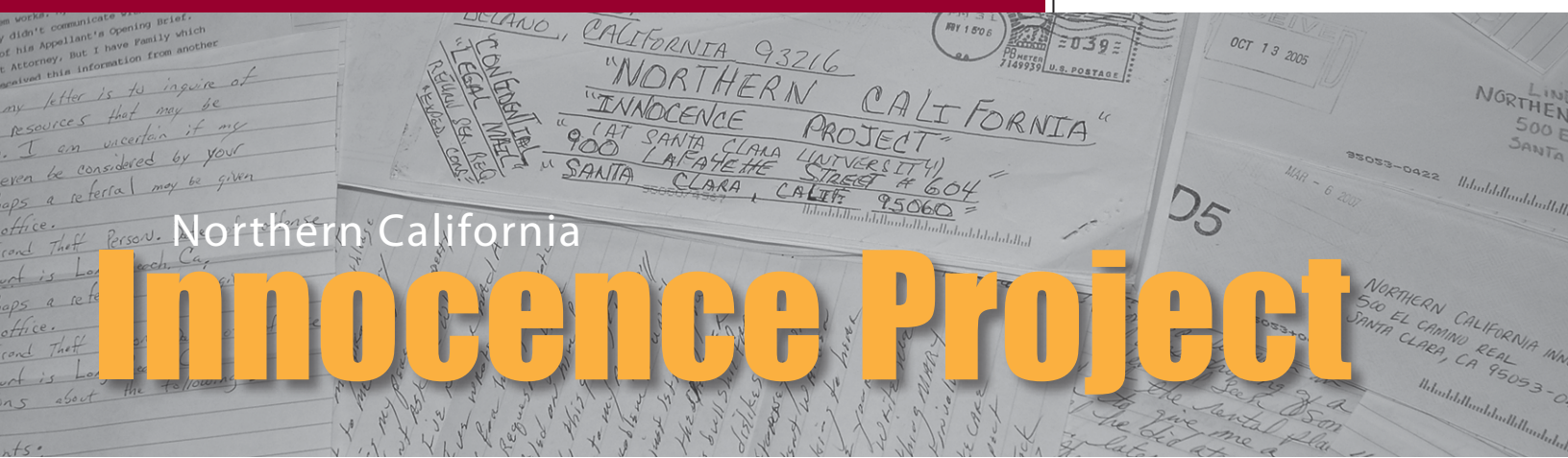
Follow this and additional works at: <http://digitalcommons.law.scu.edu/ncipnewsletter>

Automated Citation

Northern California Innocence Project, "The Innocence Quarterly [Spring 2010]" (2010). *Northern California Innocence Project Newsletter*. Book 8.

<http://digitalcommons.law.scu.edu/ncipnewsletter/8>

This Article is brought to you for free and open access by the Northern California Innocence Project at Santa Clara Law Digital Commons. It has been accepted for inclusion in Northern California Innocence Project Newsletter by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.



Northern California

Innocence Project



Boundaries of Prosecutorial Immunity to be Tested in Upcoming Supreme Court Case

Prosecutors acting within the scope of their duties have absolute immunity from civil liability. There are no exceptions. The United States Supreme Court laid down this rule in 1976 when it decided *Imbler v. Pachtman*, 424 U.S. 409. In *Imbler*, the Court decided that prosecutorial immunity was necessary to protect the justice system. This year, a case coming before the Supreme Court will test whether the court will expand its protections, which have been continually broadened since that 1976 ruling.

In that first case, Paul Imbler had been convicted of first-degree murder based upon testimony that the prosecutor, Richard Pachtman, knew

was perjured. After a U.S. District Court judge later overturned that conviction based on prosecutorial misconduct, Imbler sued the prosecutor for violation of his civil rights.

The U.S. Supreme Court held that prosecutors could not be sued for misconduct, no matter how egregious or intentional, saying, "Prosecutors must be free to make discretionary decisions without constant dread of retaliation." The Court also acknowledged that the result would "leave unredressed the wrongs done by dishonest [prosecutors]" but asserted with confidence that errant prosecutors would be dealt with in other ways, pointing to state bar disciplinary proceedings as the proper means to regulate the conduct of prosecutors.

Subsequent history has shown that our justice system has not been

protected as envisioned by the Supreme Court—only the prosecutors have been. An upcoming Northern California Innocence Project (NCIP) investigation of prosecutorial misconduct—to be published in the coming months—demonstrates that the other means



the Supreme Court seemed sure would protect society have failed, and that prosecutorial misconduct continues without consequence. The California State Bar is an example of an organization that the Supreme Court asserted would regulate conduct of prosecutors. Yet they have only recently,



Advisory Board Members

Fred Anderson	Andrew Ludwick
Jim Anderson	Dennis McBride
Margalynne Armstrong	Donald Polden
Brian Dennehy	Nikki Pope
James Donato	Frank Quattrone, Chair
Gordon Eubanks	Dennis Riordan
Barbara Fargo	Kathleen Rydar
Antoine Goff	Barry Scheck
Nancy Heinen	Anthony Williams
Pat Kern	Robin Wright
Ellen Kreitzberg	Elizabeth Zitrin
Paul Locatelli, S.J.	

NCIP Faculty/Staff

Cookie Ridolfi, Executive Director
Linda Starr, Legal Director
Lee Raney, Associate Director

Maitreya Badami, Supervising Attorney
Rhonda Donato, Supervising Attorney
Rhonda Dyer, Database Administrator
Seth Flaggberg, Supervising Attorney
Paige Kaneb, Supervising Attorney
Haley Kaprelian, Marketing Associate
Amy Kennedy, Acting Case Manager
Sandy Lichau, Office Manager
Sarah Perez, Special Assistant to the Director
Maurice Possley, Visiting Research Fellow
Charles Press, Supervising Attorney
Audrey Redmond, Marketing Communications
Tina Yang, Special Projects

Managing Editor

Audrey Redmond

Copy Editor

Kay Paumier, Communications Plus

Designer

Texto Graphic Design

Photography

Allan Chen
Jen Kennedy
Benjamin Martin
Sherry Tesler

Special Acknowledgements

Michelle Waters
Julia Yaffee

Guest Contributors

Supriya Bhat

This newsletter is published twice a year for friends of the Northern California Innocence Project at Santa Clara Law, 900 Lafayette Street, Santa Clara, CA, 95050; 408-554-4790 (tel), 408-554-5440 (fax); ncip@scu.edu. We welcome your comments.

The Northern California Innocence Project at Santa Clara Law, a part of the Innocence Network, operates as a law school clinical program where student interns, clinical fellows, attorneys, and volunteers work to identify and provide legal representation to wrongfully convicted prisoners. NCIP is also dedicated to raising public awareness about the prevalence and causes of wrongful conviction as well as promoting substantive legal reforms to prevent future wrongful convictions.

COPYRIGHT 2010

From the Executive Director

There are innocent people imprisoned in California because of wrongful convictions, and they are the focus of much of the work of NCIP, as you'll see in our case rounds on page 8. But that is not all that we do: we are also actively pursuing critical law reforms addressing the underlying causes of wrongful conviction, and have several policy-driven initiatives underway.

One is an effort to promote legal reforms designed to reduce mistaken eyewitness identification, the leading cause of wrongful conviction. Research conducted over the past four decades has identified a series of "best practices" that can greatly reduce the risk of wrongful conviction by mistaken eyewitness identification. While some states have passed laws implementing these practices, California has not. In an effort to encourage further compliance, NCIP is reaching out to police and investigative agencies to learn about their eyewitness identification procedures. This project is explained in more detail on page 3.

In addition, NCIP is also nearing completion of the most comprehensive investigation of prosecutorial misconduct in California state history, to be published over the coming months. Follow us on Twitter or become our Facebook fan to receive updates on these stories as they break.

Finally, if you receive our e-newsletters, you'll already know that we sponsored AB 316, which Governor Schwarzenegger signed into law last fall. Effective January 1, 2010, the law is a step forward in addressing compensation for the wrongfully convicted. See the details on page 9, and if you're not receiving our e-newsletters, please email us at ncip@scu.edu to subscribe.

Our students are involved in these initiatives, and continue to gain real world experience and insight into the arduous effort that goes into investigating and litigating post-conviction criminal cases. With the practical experience they gain at NCIP, our students continue to win prestigious moot court competitions in law school (page 15), and move on to successful legal careers.

We are making great progress on many fronts, but none of this would be possible were it not for your generosity. On March 11, we held our annual Justice for All Awards Dinner in a packed ballroom at the Fairmont Hotel in San Jose, where more than four hundred people honored our award recipients and keynote speakers. It was another extraordinary evening, and another reminder of why we do this incredible work. With your support we were able to raise more than \$700,000 at the dinner! Look for more about the event, including photos, on page 12.

Thank you for your generous support that allows us to continue this important work.



CHARLES BARRY

Cookie Ridolfi

Kathleen "Cookie" Ridolfi

NCIP to Study California Eyewitness ID Policies

In fall 2009, Professor Cookie Ridolfi repeated one of her tried-and-true eyewitness identification experiments in her Criminal Law class. She orchestrated a “crime” in the middle of class where an intruder came into the classroom and stole her handbag. After the intruder fled, Professor Ridolfi instructed her students to write down the thief’s physical characteristics. What she got back was all over the map—students could not agree on what they saw, there was even disagreement about whether the intruder was a man or a woman.

These results were not surprising. Hundreds of witness identification experiments over the last 40 years have shown similar results. What is so frightening is that in many cases convictions are based on a lone eyewitness. And if a witness gets it wrong at the outset, police investigations are hampered or derailed as police focus their efforts on an innocent person, while the true perpetrator remains free. (See page 8 for an update on the pending case of NCIP client Maurice Caldwell, who was convicted solely on the testimony of one eyewitness.)

Incorrect eyewitness identification is the single largest source of wrongful convictions, playing a role in more than 75 percent of convictions overturned through DNA testing. And while a substantial amount of research conducted over the past 40 years has identified best practices that can greatly reduce the risk of mistaken identifications, many states, including California, do not require law-enforcement agencies to actually implement any of those practices. In fact, California investigative agencies

are not required to have any form of written eyewitness-identification policies or procedures.

Incorrect eyewitness identification is the single largest source of wrongful convictions, playing a role in more than 75 percent of convictions overturned through DNA testing.

The California Commission on the Fair Administration of Justice (CCFAJ) was established in 2004 to examine ways to provide safeguards and improve the criminal justice system. The CCFAJ found that during the 15-year period ending in 2003, seven innocent California defendants were convicted of serious crimes on the basis of mistaken identification.

continued on page 18

CCFAJ Recommendations for Eyewitness Identification Procedures

Partial list from the Final Report, California Commission on the Fair Administration of Justice. See full list at www.ccfaj.org

1. Double-blind identification procedures should be utilized whenever practicable, so the person displaying photos in a photo spread or operating a lineup is not aware of the identity of the actual suspect.
2. When double-blind procedures are utilized, the use of the sequential presentation of photos and lineup participants is preferred, so the witness is only presented with one person at a time.
3. A single subject show-up should not be used if there is probable cause to arrest the suspect. Minimize the suggestiveness of show-ups by documenting a description of the perpetrator prior to the show-up, transporting the witness to the location of the suspect, and separating multiple witnesses. Lineups or photo spreads should be used for remaining witnesses after an identification is obtained from one witness.
4. All witnesses should be instructed that a suspect may or may not be in a photo spread, lineup or show-up, and they should be assured that an identification or failure to make an identification will not end the investigation.
5. Live lineup procedures and photo displays should be preserved on video tape, audio tape or at minimum a still photo.
6. Training programs should be provided and required to train police in the use of recommended procedures for photo spreads, show-ups and lineups.

Evidence Preservation: Vital to

An excerpt from “Letters from Prison,” performed at Justice for All 2010. These are composites of real letters that were written by prisoners and NCIP students which show the heartbreaking reality of hurdles we encounter even when DNA evidence exists.

Dear Innocence Project,

In 1989 I was convicted of a murder I did not commit. When the police arrested me, I told them I had nothing to do with it. They kept telling me they had me there; that they had the towel I used to clean up my hands after I killed that lady. I say again, in my own words, I am not guilty of this crime! If you test that towel, it will show I was never there. Write me with any questions or anything you need from me to help in your investigation. That's if you take my case. And I hope and pray you do.

Sincerely, André Dumond
San Quentin Prison

Dear Mr. Dumond...

Thank you for writing the Northern California Innocence Project. Please understand that due to the overwhelming number of requests for our assistance, you may not hear from our office immediately. Please be patient. We will contact you after we have had an opportunity to investigate and evaluate your case.

Yours, Jessica Morton
2nd year Santa Clara Law

Dear Jessica...

Thanks for coming to visit me and talk about my case. You said the next step is filing the petition for DNA testing of the towel. I pray we get the DNA testing because that's the only thing that will set me free. I know that I am not the only case you are handling and I respect all the real hard work that goes into a day of work. Keep moving forward in all the work you are doing for all of us.

Memorandum to Supervising Attorney
From: Jessica Morton
Re: André Dumond, case turnover

Dear Jessica...

It's me again, "Mr. Patient." I haven't heard from you in a while. I was just wondering if you found the towel yet.

Thanks! André

I recently spoke to the court clerk who said the district attorney has misplaced the relevant documents, including the towel to be tested for DNA. NCIP has to help Mr. Dumond build a viable claim. His case bothers people because it's clear that something went terribly wrong.

Dear André...

My name is Adam Gilson, I've taken over your case from Jessica who graduated. I'm sorry for the wait. Ever since we were appointed by the Superior Court to investigate and, if appropriate, file a motion requesting DNA testing of evidence in your conviction, we have been searching diligently for the towel. Yesterday we received confirmation that the towel was destroyed as part of the police department's "standard procedure"; hence, a DNA test is not possible. I am deeply sorry.

Regretfully, Adam Gilson



Winning Innocents' Freedom

Pete Rose was released from Mule Creek State Prison in 2004, after 10 years of maintaining his innocence. With the help of the Northern California Innocence Project and Golden Gate University School of Law, evidence was tested proving he did not commit the assault for which he had been convicted. Rose was one of the few lucky innocent inmates—evidence, including testable DNA, was found from his case. Many other wrongfully convicted inmates like “André,” whose story is on the facing page, aren’t so lucky. They cannot prove their innocence because evidence that could be tested has been lost, destroyed or wasn’t preserved.

On TV, evidence is always readily available for DNA testing, to prove who committed the crime. In real life, it’s not so simple. It can take hundreds of hours, and even more money, for NCIP investigators and student researchers to determine what, if any, evidence exists. And even if there is evidence, it still has to be located and properly preserved if it is to undergo DNA testing.

California’s biological evidence retention statute, Penal Code section 1417.9, states that “the appropriate governmental entity shall retain all biological material that is secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case.”

But the government can dispose of the evidence before the inmate is released if certain conditions are met. Conditions include notifying the: inmate, inmate’s attorney, public defender in the county, district attorney in the county, and attorney general.

After all parties are notified, if the government does not receive either a request not to destroy the evidence, a 1405 motion for DNA testing, or a declaration of innocence, they may destroy the evidence.

The issue of storage is more involved than simply placing the evidence in a box and putting it in a warehouse. How evidence is stored is crucial. Biological evidence can be destroyed if it is stored in direct sunlight or warm conditions. For evidence to help prove an inmate’s innocence, the evidence must be stored in conditions that preserve the biological material.

But even the best-preserved evidence means nothing if it cannot be found. It can sometimes take years to find evidence, even properly preserved biological evidence. Evidence boxes

in storage can be relocated, reorganized or lost. Evidence can be checked out and not returned. Samples can be left at the laboratory rather than stored with the other evidence and unhelpful clerks in agencies can simply refuse to look for evidence, requiring litigation to seek cooperation.

Frequently, evidence that is believed to have been destroyed, is, in fact, still in existence. Sometimes the evidence wasn’t destroyed in spite of a court order permitting destruction. Or, sometimes a clerk looking for the evidence simply checks a computer entry, but never physically searches for the evidence. And because there is no statutory consequence for a failure to comply with 1417.9, agencies have little incentive to implement procedures to guarantee compliance.

Checking every plausible (and even implausible) location can take an incredible amount of time and money. NCIP students and volunteer investigators are invaluable in locating evidence or, in some agonizing cases like “André’s,” confirming that evidence has been destroyed. And the appropriate agencies must be aware of their obligation to preserve that evidence. Remarkably, many have no idea a statute requires that they preserve the evidence and conduct the proper notifications if they intend to destroy it.

Proper storage and testing of biological material can be costly. But there are other costs to be considered if evidence is not stored and DNA tested: an innocent person is in prison; the real

On TV, evidence is always readily available for DNA testing, to prove who committed the crime. In real life, it’s not so simple.

perpetrator remains free to commit more crimes; police spend time and money investigating these additional crimes; and the state spends money imprisoning someone who did not commit a crime. Storing evidence properly is a small price to pay to prove someone’s innocence and bring the real perpetrator to justice.

Memories fade and witnesses move away, so for some inmates DNA evidence is their only avenue to exoneration. Without the evidence, they are left to spend years in prison for a crime they did not commit. It is heartbreaking to believe in an inmate’s innocence, but not be able to prove it because the evidence no longer exists. California’s statute is a step in the right direction, but the statute must be complied with. With advancement in DNA testing technology, preservation of evidence becomes more and more crucial to inmates who can prove their innocence no other way. ♦

NCIP Awarded Two Federal Grants

NCIP recently received two federal grants of more than \$2 million designed to help free California inmates who were wrongfully imprisoned.

“It is great validation of the work we do for the federal entities to award the Project these grants,” said Cookie Ridolfi. “It’s a huge honor for this Project, and immensely exciting in its potential to exonerate more wrongfully convicted prisoners in California.” Ridolfi added, “The grants, however, are for very specific programs—we still need and greatly appreciate help from our donor base to fund the existing operations of our pro bono legal clinic.”

California DNA Project Begins Work to Help Wrongfully Convicted Inmates

The new California DNA Project (CDP), funded by an 18-month National Institute of Justice grant awarded to NCIP and the California Innocence Project (CIP), is now off and running. According to CDP Director Cathy Dreyfuss, their terrific team will help eligible California inmates advance their claims of innocence.

CDP started from the ground up in November, with the goal to compile data regarding biological evidence procedures, and to test biological material to determine whether or not an inmate claiming actual innocence has been wrongfully convicted. “We expect our efforts will lead to more exonerations of the wrongfully convicted in California,” said Dreyfuss.

Three attorneys and a project manager are located at NCIP with Dreyfuss, and three more attorneys are at CIP in San Diego. Three members

of the team are Santa Clara University Law School graduates and another was a longtime NCIP supervising attorney. The team has already reviewed over 800 inmate requests sent to the two Innocence Projects, and is investigating over 50 of them. They are also co-counseling with NCIP and CIP on some ongoing DNA cases.

Last month, in a massive push to identify wrongfully convicted prisoners, CDP sent questionnaires to 43,000 California prison inmates serving sentences for homicide and forcible sex offenses, and has received over 2,000 responses so far. The project is looking for cases in which there is a possibility of biological evidence that can be tested for DNA. When they determine that a case resulted in a potential wrongful conviction, CDP attorneys will work alongside CIP or NCIP attorneys in an attempt to set aside that conviction.

In addition to CDP’s outreach effort to find viable cases, the team is also in the process of collecting information from forensic crime laboratories, law enforcement agencies and prosecutorial agencies about their procedures and protocols for handling and preserving DNA evidence. To date, CDP has sent introductory letters to 400 agencies and is preparing an extensive questionnaire they will send to all the forensic labs in the State. The data they collect will be used to recommend policy and legislative changes in the area of forensic DNA evidence.

“This project can have a tremendous impact, both for the wrongfully convicted and for advancing policy reforms to help prevent future wrongful convictions,” said Dreyfuss. “We look forward to continued progress over the coming months.” ♦

Wrongful Prosecution Grant Attorney Hired to Help the Wrongfully Convicted

NCIP was recently awarded a \$230,000 grant to help identify and exonerate more wrongfully convicted inmates in California.

The grant, from the U.S. Department of Justice’s Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA), is part of their Wrongful Prosecution Review

Program. It is intended to provide quality representation to the wrongfully convicted, help alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation and, when possible, identify the actual perpetrator of the crime.

Because NCIP currently receives more requests for help than their current

staffing levels can evaluate, investigate and litigate, a backlog of cases needs attention.

This 18-month grant has enabled NCIP to hire Attorney Charlie Press to help work through the case backlog with the goal of moving more of the viable cases into litigation and, hopefully, exoneration.

NCIP Community Continues to Grow

Advisory Board Profile

Brian Dennehy Joins NCIP Advisory Board

Brian Dennehy, award-winning film, TV and stage star, has long been associated with the plight of the wrongfully convicted through his craft, beginning with his role in the stage and TV film versions of *The Exonerated* in 2003.

Today, as the newest member of NCIP's advisory board, he has transitioned from an actor playing an exoneree to someone involved in exonerating innocent prisoners.

Dennehy became involved in the issue last year, after reading about Texas exoneree Joyce Ann Brown, who had been wrongfully convicted and imprisoned for nine years. "The story was so compelling I couldn't help but become involved," he said.

Dennehy and entertainment guru Joe Seldner wrote the screenplay of *Redemption*, now in production. The film tells the story of Brown's wrongful conviction and how Jim McCloskey, an advocate for the wrongfully convicted, fought for her release.

When Joyce Ann Brown came to speak at NCIP's Justice for All awards dinner in March, Dennehy flew out to introduce her. "Joyce is an extraordinary lady," the



Brian Dennehy

film star said. "To some extent, she changed Texas policies in regard to the wrongfully convicted, including how they are compensated. She advanced genuine reform for the people who were institutionalized, simply by leading by example."

After the awards dinner, NCIP Director Cookie Ridolfi asked Dennehy to join its advisory board and he didn't hesitate. "If it helps the Project in any way, why not?" said the actor. Dennehy's old college friend Bill Campbell, a Bay Area business magnate and philanthropist, is also a big supporter of NCIP. Because of his respect for Campbell and his philanthropic work, Dennehy was even more inspired to join the board.

"You get lucky in life (and I've been pretty lucky) and at some point you realize it's time to give back," said Dennehy. "If you can do something, if everybody does something, things will change."

NCIP feels lucky too. ♦

Why I Give

Sean Kali-Rai: Supporting an Organization that has Passion

Sean Kali-Rai first learned about NCIP from Silicon Valley philanthropists Mary Ellen and Mike Fox Sr. He reached out to NCIP Director Cookie Ridolfi, and after hearing more about the Project from her, he was hooked.

According to Kali-Rai, a Santa Clara University alum, what sparked his interest in the Project was its unique ability to deliver a person a new life. "Through unfortunate circumstances one can have their unalienable rights taken from

them," he said. "NCIP, through its relentless efforts can give a person a re-birth."

Kali-Rai was inspired to donate to the cause when he himself became a victim of the justice system. "I was the victim of a malicious prosecution that, after the expenditure of many resources, resulted in a dismissal of the case and a formal finding of factual innocence," said Kali-Rai. "To say the experience was devastating to my reputation, my work and my personal life is an understatement, but it was an incredible firsthand view of the flaws in our justice system. Unless you have the financial resources for a solid defense, it becomes difficult to prove your innocence."

Determined that poverty should never cause an American to lose his or her freedom, Kali-Rai pledged to help those without the necessary resources, and NCIP was the perfect organization to help him carry out his pledge.

"I love supporting an organization that has passion," said Kali-Rai. "From Cookie all the way throughout the NCIP organization there is a dedication and a caring that is infectious and palpable the moment you walk through the door."

To make an online donation to advance our work, visit our web site at www.ncip.scu.edu. ♦



Sean Kali-Rai

2010 Brings Newfound Freedom for NCIP Client

NCIP client George Shull was recently exonerated of crimes for which he was convicted more than 20 years ago.

Shull was convicted in 1989 of assault with a deadly weapon and sexual battery, primarily based on the victim's misidentification of him as her assailant. Over the years, however, she became less certain of her identification. Working together, NCIP and the district attorney's office re-interviewed the victim, who said she was no longer confident that Shull was her assailant. Shull also passed a polygraph test conducted by the DA's office.

Based on this new evidence, NCIP filed a petition for writ of habeas corpus on Shull's behalf. On December 10, 2009, the Santa Clara County Superior Court granted the petition and set aside Shull's 1989 convictions. ♦

NCIP Client Awaits Delayed Hearing that Could Put Him Closer to Exoneration

Maurice Antwone Caldwell has been incarcerated for nearly 20 years for a murder he did not commit.

He was convicted solely on the testimony of one eyewitness, the late Mary Cobbs, who originally told police that the shooters did not live in the area and that she did not know their names or nicknames. During that first interview, police brought Caldwell, who had been Cobbs's neighbor, to her door under

arrest. She did not identify him as one of the shooters at that time. However, two weeks later, when presented with a "six-pack" (mug shots of the prime suspect and five other individuals of similar race, build, complexion, and other factors), she pointed to Caldwell's picture, told police that he had fired a shotgun and identified him by his nickname "Twone." She was provided her requested move from the projects.

Two years ago, Marritte Funches signed a sworn declaration confessing to the murder and swore that Caldwell was not involved in any way. Another witness signed a declaration stating that he saw Caldwell run towards the shooting empty-handed, after the shots were fired. Caldwell's trial attorney signed a declaration stating that, although Caldwell and other witnesses had identified Funches as the shooter, the attorney had not hired an investigator or interviewed Funches himself.

On February 18, 2009, NCIP filed a petition for writ of habeas corpus in San Francisco Superior Court. The petition alleges four grounds for relief:

- Actual innocence
- Ineffective assistance of counsel
- False testimony and
- Cumulative error.

On August 24, 2009, the court issued an order to show cause, directing the district attorney to demonstrate why Caldwell was not entitled to have his conviction overturned. NCIP found another witness who signed a sworn declaration stating that he had seen Funches fire one gun and another man fire the larger gun, but did not see Caldwell outside at the time. The witness drew a diagram of the scene and placed the shooters in the same locations that Funches did.

Although the order to show cause gave the district attorney 30 days to

respond, more than eight months have passed. The district attorney has not filed a response and continues to request extensions. In the meantime, NCIP has found yet another witness who saw the murder, and identified Marritte Funches and another man as the shooters.

NCIP continues to find evidence of Caldwell's innocence while awaiting the district attorney's response. In the meantime, Caldwell sits in prison for someone else's crime. ♦

NCIP Case Argued in U.S. Court of Appeals

On Friday, February 12, the Ninth Circuit Court of Appeals heard oral argument in the NCIP case of George Souliotes. For more than eight years, NCIP has been working on his case along with members of the law firm Orrick, Herrington and Sutcliffe, who provide pro bono representation.

Souliotes was sentenced to life in prison for a 1997 fire in Modesto, California, that claimed the lives of his tenant and her two children. Souliotes was convicted after investigators testified they found traces of an accelerant on his shoes that matched traces of accelerants found at the scene. At the request of NCIP, forensic experts re-examined the evidence, using techniques not available in 1997. Based on the results of this analysis, the experts have concluded that the substance from the shoes is not the same as the substance found at the scene.

Fire science experts also reviewed the arson determination here and found

that the evidence does not support the conclusion that the fire was deliberately set. Thus, this case demonstrates not only how new science can provide powerful

This case demonstrates not only how new science can provide powerful new evidence, but also how a discredited forensic science contributed to wrongful conviction.

new evidence, but also how a discredited forensic science contributed to wrongful conviction—a subject called to national attention by the 2009 National Academy of Sciences (NAS) report criticizing many forensic techniques. (See related article in our fall 2009 newsletter, available online at www.ncip.scu.edu.)

NCIP attorneys have argued for years that Souliotes is innocent and that he was convicted of arson and homicide on the basis of incorrect fire science and after receiving ineffective assistance of counsel. Souliotes has yet to have any court hear the powerful evidence demonstrating his wrongful conviction.

The Court of Appeals will consider: whether the federal district court erred when it dismissed Souliotes's federal petition as untimely on March 20, 2008, whether the belated discovery of the incorrect fire science justifies the timing of the filing of his federal petition, and the legal significance of his claim of actual innocence.

Souliotes's case raises important issues. We look forward to reporting a positive outcome soon. ❖

Governor Signs AB 316, a Bill Addressing Compensation for the Wrongfully Convicted

Governor Schwarzenegger helped move exoneree compensation issues forward last fall by signing AB 316. The bill, sponsored by Cookie Ridolfi representing the Northern California Innocence Project, does the following:

- allows the wrongfully convicted to file compensation claims within two years of the date they were exonerated rather than the six months previously allotted
- gives exonerees a two-year window in which to bring a claim against an attorney whose misconduct or omission caused their wrongful conviction
- improves the chances of securing gainful employment by sealing and expunging records of wrongful conviction
- allows findings of factual innocence to be admitted as evidence before the Victim Compensation and Government Claims Board when provided by a judge, prosecutor, or law enforcement officer
- no longer allows coerced or involuntary confessions and guilty pleas to bar recovery for a person innocent of the crime they were pressured to admit or plead guilty to, and
- removes the requirement that claimants prove they did not “negligently contribute” to their own wrongful conviction by any act or omission.

The bill passed unanimously at nearly every stage, and obtained affirmative votes from all 79 members of the Assembly floor. Assembly Member Solorio authored the bill, with co-author Senator Leno.

AB 316 went into effect January 1, 2010, and is codified in California Penal Code sections 851.8, 851.86, 4901, 4903, and 4904, along with California Code of Civil Procedure section 340.6.

“This is a step in the right direction for exoneree compensation,” said Ridolfi. “We are encouraged by this, but know we have a lot of work ahead to ensure all exonerees receive the compensation they so desperately deserve.” ❖

Stay Connected!

Join us on Facebook, LinkedIn and Twitter (search for Northern California Innocence Project), and email us at ncip@scu.edu to receive our e-newsletters, to stay abreast on NCIP cases and other news as it happens.



Twitter



Facebook



LinkedIn

Morrison & Foerster Wins NCIP 2010 Pro Bono Award

Alison Tucher Accepts Award on Behalf of Firm

In recognition of their work over the past several years on a variety of complex NCIP cases, the Project honored Morrison & Foerster with the inaugural Pro Bono Award at the recent Justice for All awards dinner. The Pro Bono Award was created this year to honor one firm whose work on behalf of NCIP has gone beyond all expectations and the person in that firm who has been the driving force behind their extraordinary effort.

Morrison & Foerster, one of the most respected law firms in the nation, has made exceptional contributions by working collaboratively with NCIP to free the wrongly convicted. NCIP and its indigent clients claiming innocence are grateful to be recipients of their generosity.

"Morrison & Foerster has invested thousands of attorney hours, paid for multiple investigators and for the production of legal pleadings and other documents," said NCIP Legal Director Linda Starr. "Not only have they donated extraordinary legal talent and resources, the lawyers have always respected the collaborative nature of the work, consulted with Innocence Project lawyers, and included our students in their efforts. We are extraordinarily fortunate to have their support."

Led by Partner Alison Tucher, the firm has worked with NCIP for



Alison Tucher, Partner, Morrison & Foerster LLP many years on three innocence cases. Tucher has a history of working for the wrongfully convicted. She won the freedom of East Palo Alto resident Rick Walker, who was wrongfully convicted of murder and spent 12 years in prison before being exonerated in 2003.

"When I was a third-year law student at Stanford, my mother asked

me to have lunch with her friend, Myrtle Walker, because her son Rick had just been convicted of murder here in Santa Clara County," she said. "Soon I was reading transcripts and interviewing witnesses trying to figure out how I could help."

Tucher and her colleagues at Morrison & Foerster have helped NCIP tremendously. They have assumed responsibility for difficult and complex cases, involving resistant district attorneys, complicated science, and hard-to-find witnesses who were sometimes even harder to talk to. Never has any member of the firm's team allowed an NCIP case to be ignored or given short shrift, and they always give the cases their full attention and best effort, according to Starr.

NCIP congratulates Morrison & Foerster and thanks the firm for its dedication. ♦

The Northern California Innocence Project would like to extend its heartfelt thanks to the following firms which have provided thousands of pro bono hours and resources to pursue justice for all:

Cooley Godward Kronish LLP
Howard Rice Nemerovski
Canady Falk & Rabkin
Keker and Van Nest LLP
Latham & Watkins LLP
McDermott Will & Emery

Morgan, Lewis & Bockius LLP
Morrison & Foerster LLP
Orrick, Herrington & Sutcliffe LLP
Quinn Emanuel
Reed Smith LLP
Shearman & Sterling LLP

NCIP currently has over 900 cases in its backlog. If you or your firm would like to help an NCIP client with a case, please contact NCIP supervising attorney Rhonda Donato at 405-554-4790, rdonato@scu.edu.

Partner Profile

Volunteer Investigator Helps Close Case

“As a police officer I was always cognizant of civil rights and took the job very seriously. Cops are supposed to be fair, so switching to the defense was easy,” said private investigator Christopher Bruno. Watching Barry Scheck discuss DNA testing during the O.J. Simpson trial had an impact on Bruno, but it was not until years later that he discovered the Northern California Innocence Project and sent an email volunteering his time. “NCIP steps in when the system fails and tries to right some of its wrongs. It is an important protection and the last resort when the checks and balances fail,” he said.

Before specializing in investigation, Bruno was an Air Force air policeman. In 1978, after returning home and getting a bachelor’s degree in legal studies, Bruno began work as a police officer with the Stockton Police Department. Eight years

later an injury forced him into early retirement and, in 1988, he began a new career as a licensed private investigator, working conflict cases for the Stockton Public Defender.

After eight years of defense work, Bruno switched directions and began working half the year as a law enforcement ranger for the National Park Service in Colorado, Arizona, California and Washington. Six years later, Bruno returned to Stockton and began working as a full-time investigator for the public defender.



PETER GIMBEL

Christopher Bruno
working conflict cases for the Stockton Public Defender.

As a volunteer investigator for the Northern California Innocence Project, Bruno works closely with Santa Clara law students on many cases. Most recently he helped locate a key witness who had successfully eluded previous investigators for years. Ultimately the witness helped determine that there was not an actual innocence claim in the case. Bruno helped to end the investigation, enabling NCIP to shift its resources to other viable cases.

In addition to investigative work, Bruno teaches criminal justice at Kaplan College, all while working on his master’s degree in criminal justice. “Thorough investigations are an integral part of resolving our cases,” said Amy Kennedy, NCIP case manager. “Christopher Bruno has been an invaluable resource in helping us move cases toward resolution.” ♦

Alumni Profile

Maureen Ryan

Maureen Pettibone Ryan’s passion for innocence work dates back to the early years of NCIP. After reading about the work of Innocence Projects in *Time* magazine during high school and seeing NCIP exoneree Ron Reno speak at Santa Clara Law in 2002, the then legal secretary called NCIP repeatedly until she reached executive director Cookie Ridolfi. Maureen explained that she was an undergraduate at Santa Clara and wanted to volunteer her time helping out the Project.

NCIP jumped at Maureen’s offer. One of her first assignments was the monumental task of gathering documents for the John Stoll habeas petition. Maureen soon entered Santa Clara Law, and continued at NCIP as part of the Stoll team.

Maureen also worked up the case of Mr. J from Santa Clara County. She

investigated the claim of innocence, visited the crime lab to view the evidence, and searched for witnesses.

Soon Maureen transferred to the University of Michigan to finish her law school career. But NCIP was never far from her mind. After graduating she passed the California Bar Exam and went on to clerk for the Alaska Supreme Court and the 10th Circuit Court of Appeals in New Mexico. She recently returned to the Bay Area as an associate with Quinn Emanuel in Redwood City.

Upon her return she immediately inquired about Mr. J’s case and found it pending. Through her persistence she achieved something few associates have attempted at Quinn Emanuel—she brought her own pro bono case (that of Mr. J)—into the firm, which has been very supportive of her work on the case. She now has a summer associate assisting her along with an NCIP student as she

continues the quest for justice.

“This is not a popular constituency,” said Ryan. “When Innocence Projects win an exoneration, people are supportive, but there is little popular support for changing the system that creates these wrongful convictions in the first place. Our culture has a black-and-white view of justice; we’re looking so hard to find the bad guy that sometimes we short-circuit our critical thinking, find some guy, convince ourselves that he’s bad (and maybe he is), and that he is the guy. I think we are even more likely to do that with particularly horrific crimes because we desperately want to avenge those victims. It is rare for people in our culture to put themselves in the shoes of someone wrongly accused of a crime. We are more likely to identify with the victim or the victim’s family. And that is dangerous for our criminal justice system.” ♦

Third Annual Justice for All Awards Dinner Honors Those Who Take Action

“Tonight all of you are part of a great movement to free the innocent,” said exoneree Rick Walker at the Northern California Innocence Project’s third annual awards dinner on March 11. Alternately moving, funny, poignant, educational and inspiring, the event featured distinguished presenters, award recipients, and speakers who are leaders in the innocence movement.

The evening began with Cookie Ridolfi, executive director of NCIP, introducing *Letters from Prison*, a dramatic reading of letters between NCIP clients and NCIP clinical law students. The letters were powerful depictions of the daily realities of individuals who spend years awaiting exhaustive appellate processes and case investigations in hopes of clearing their names.

California State Senator Joe Simitian presented exoneree Rick Walker with the Freedom Award. Walker, an East Palo Alto resident, spent 12 years in prison for a murder he did not commit and now is an advocate for justice. Simitian was instrumental in securing \$100-a-day compensation for Walker’s wrongful conviction and said: “Rick is an extraordinary person....Imagine the interior strength it would take for someone like Rick Walker to say, ‘I

will be there for others. I will speak in churches....I will mentor others, and I will do that without bitterness, without anger, but with passion and purpose.’”

And Walker has done just that. In accepting the Freedom Award, he acknowledged those who are still fighting for their freedom and thanked his attorney, Alison Tucher, for her persistence in pursuing justice, and Simitian for his unparalleled efforts in securing compensation for him.

Tucher, a partner with Morrison & Forester LLP, accepted the inaugural Pro Bono Award on behalf of the law firm for its contributions on cases of wrongful convictions. Tucher first heard about Walker’s case as a third-year law student at Stanford University. Her persistence in uncovering the truth went far beyond Stanford and well into her years as a practicing attorney. Tucher thanked her mother for having faith that she could make a difference, even as a law student, and stated that the most significant moment in her legal career was the day Rick Walker walked out of prison a free man.

Acknowledging Tucher’s work on Walker’s case and other cases, Linda Starr, NCIP legal director, recognized that Tucher and Morrison & Foerster have always given the pro

bono wrongful-conviction cases the same extraordinary level of attention the firm gives its other cases. Starr thanked the firm for its willingness to work collaboratively with NCIP and recognized the pro bono work of other



SHERRY TESLER

Keynote speakers Brian Dennehy and Joyce Ann Brown pose for a picture.



SHERRY TESLER

Cookie Ridolfi, NCIP executive director, thanks attendees for their continued support and introduces *Letters from Prison*.



SHERRY TESLER

Ronnie Lott, former San Francisco 49er, joins Joyce Ann Brown for a picture.



SHERRY TESLER

Linda Starr presents the Pro Bono Award to Alison Tucher who accepts on behalf of Morrison & Foerster LLP.



BEN MARTIN

Exonerees (wearing yellow roses) are honored. Left to right: George Shull, David Pope, Rick Walker, Ken Foley, Antoine Goff, Gloria Killian, Herman Atkins, Ronnie Carmona (representing her son, the late Arthur Carmona), Bismark Dinius, and Mashelle Bullington.



SHERY TESLER

Senator Joe Simitian (right) presents the Freedom Award to Rick Walker, who accepts on behalf of all exonerees.



SHERY TESLER

Maurice Possley (right) presents the Media Award to Stuart Taylor Jr., author of *Until Proven Innocent*.



SHERY TESLER

NCIP Advisory Board Chair Frank Quattrone (right) presents the Leadership Award to recipient Jim Anderson.

firms that have provided assistance.

Spotlighting one of Silicon Valley's venture legends, Frank Quattrone, NCIP advisory board chair, presented the Leadership Award to Jim Anderson, a founding partner of Merrill Picard Anderson, Foundation Capital and Legacy Venture. Anderson, also an NCIP advisory board member, has used his background in venture financing and philanthropy to contribute significantly to NCIP's growth strategies.

Maurice Possley, visiting research fellow at Santa Clara Law and Pulitzer Prize-winning journalist, presented the Media Award to Stuart S. Taylor Jr., co-author of *Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case*. The book details the events surrounding the false accusations of rape against three Duke lacrosse players,

highlighting prosecutorial misconduct and the media's rush to presume guilt. The Finnertys, parents of wrongfully accused Duke lacrosse player Collin Finnerty, were present, lending support to the Project and its mission.

Award-winning actor Brian Dennehy then introduced exoneree Joyce Ann Brown, calling her "a shining inspiration to each of us." Brown was wrongfully convicted in 1980 of a robbery and murder in Dallas. She spent nine years in prison, despite evidence proving that she had been at work when the crimes were committed. After her release from prison, Brown wrote a book entitled *Joyce Ann Brown: Justice Denied*, and started MASS, Mothers for the Advancement of Social Systems, to help other individuals released from prison. Brown's life was the inspiration for Dennehy's upcoming film *Redemption*.

Brown electrified the audience from the moment she took the stage, stating, "In 1986, I made a promise that not if, but when I was released, I would spend the rest of my days fighting for those who are less fortunate." She urged attendees to consider donating money to NCIP when they next thought about making a purchase. She closed the evening on a lighter note, asking former football star Ronnie Lott to join her and pose for a photo, and he promptly obliged her request.

Brown's advocacy served as a powerful reminder that we must not be complacent in striving for justice for all. As Walker said when accepting his award, "Tonight is a call to action. Please act. Please support. Someone's life truly depends on it." ♦

Innocence Cases Picked after Intense Review

Many who write from prison raising claims of innocence are not actually innocent. One of the biggest tasks facing Innocence Projects throughout the country is filtering out the innocent from the rest. The process is tedious and time-consuming. But innocent prisoners are being found. And no one would deny that the effort is worth it.

In the nine years since its founding, the Northern California Innocence Project (NCIP) has received roughly 900 letters a year from inmates claiming innocence. To process this volume of letters (to date totaling more than 8,000 requests) the NCIP staff has developed a methodical and multi-layered case-screening system.

Initial Screening

When NCIP receives a letter, the inmate gets an almost immediate response. NCIP may reject the case if it fails to meet the program's basic criteria, or refer the inmate to an organization or person better able to help with a non-innocence request for assistance. Basic criteria for consideration by NCIP are that (1) the inmate is raising a claim of factual innocence, meaning s/he did not commit the crime, (2) substantial time is left to be served on the sentence (because it takes so long to investigate and prove innocence, and NCIP largely limits its scarce resources to incarcerated defendants), and (3) the case arose in a Northern California county (unless the Southern California project has referred the case to us because they have a potential conflict of interest). More than half the requests for assistance do not meet these criteria and are referred or rejected at this point.

Cases are Investigated

For the cases that remain open, each inmate is sent a questionnaire asking for significant details about the case. This information becomes the basis for the more labor-intensive, second screening evaluation, managed by the intake team with the help of students.

The intake team sends for and obtains documents, makes phone calls, and compares the incoming legal information to the inmate's claims to determine if the inmate's story can be confirmed or contradicted. In this early stage, the team also identifies any old issues that have been fully litigated and might prevent a court from considering a new claim. To date, 2,838 cases have been rejected following some investigation.

The Case is Opened and Assigned

When a case reaches the front of the queue or can be acted on immediately, it is classified as active and assigned to a supervising attorney and a student enrolled in the NCIP law clinical program. Together, they review the entire case file and decide what action to take. The team creates an investigative plan, contacts attorneys and potential witnesses, and communicates with the client through letters, telephone calls, and prison visits. The case may be rejected after further review, or may be more fully investigated to see if there is a factual basis for the claim of innocence. If a factual basis exists, NCIP seeks a legal remedy to exonerate the client. Currently NCIP has 96 active cases. Due to scarce resources, 952 open cases are in the queue, waiting to be assigned to a supervising attorney and a Santa Clara law student.



Screenshot of NCIP cases as of June 1, 2010.

NCIP Students and Attorneys Work Toward Freeing the Innocent

The burden for overturning a conviction is high, so NCIP will only begin litigation in the most compelling cases. When we find biological material that can be DNA tested and potentially exonerate an inmate, NCIP will seek to have the evidence tested, normally by filing a motion for DNA testing under California Penal Code Section 1405. If the motion is granted and yields favorable results, NCIP may file a petition for writ of habeas corpus to overturn the conviction. In non-DNA cases, NCIP might also file a petition for writ of habeas corpus when there are new witnesses, a confession from the real perpetrator, credible recantations from previous witnesses or victims, new science that undermines the conviction, or other compelling new evidence.

Because of the thorough screening process, most false claims of innocence are filtered out and only the most viable claims proceed to litigation. NCIP currently has 35 cases in litigation and is working to secure justice for these individuals. To date 11 innocent people have been freed and the organization looks forward to helping exonerate many more. ♦

2010 Moot Court Winners Credit Their NCIP Training

NCIP applauds its many students who participated in moot court competitions this academic year. Moot court competitions are an opportunity for law school students to take controversial legal issues and fully litigate them as though they were practicing lawyers. This includes thoroughly researching and briefing the argument, then arguing the issue from both sides in front of a panel of attorneys who are typically top legal scholars in that field of law. Congratulations to the following NCIP students who won awards in their respective competitions:

Courtney Smith won third place overall in the Lefkowitz Trademark Competition.

Missy Reinhardt won the Galloway Moot Court Competition, impressing her final round judge, Pepperdine Law School Dean and former federal prosecutor Kenneth Starr.

Eden Schwartz and **Karri Iyama** won best brief in the American Constitutional Society Moot Court Competition and advanced to the semifinal round of arguments. Schwartz credited NCIP for her ability to master the facts in her problem and view them from all sides depending on the argument she presented.

Brandon Cabrera won third place for the best brief in the same competition, and dominated two out of the three rounds of oral arguments. Cabrera says the research he did on attorney accountability with Cookie Ridolfi last summer prepared him for thoroughly researching his argument and enabled him to present the strongest brief possible.

Christine Cusick, with her teammates Corey Wallace and Adam Flores, received third place for their appellate brief in the Dean Jerome Prince Memorial Evidence Competition. Cusick and her partners made it to the final round in the evidence competition. Their performance in that round was so impressive that U.S. Supreme Court Justice Alito complimented their performance.

Congratulations to all.



AMY KENNEDY

Left to right: Courtney Smith, Karri Iyama, Missy Reinhardt, and Brandon Cabrera.



PHOTO PROVIDED BY SANTA CLARA LAW

Left to right: the Honorable Margaret McKeown (9th Circuit Court of Appeal), law student Corey Wallace, law student Christine Cusick, Justice Samuel Alito (United States Supreme Court), law student Adam Flores, and the Honorable Victoria A. Graffeo (New York State Court of Appeal).

In Their Own Words

Teecia Kimura, an NCIP Student's Perspective

I nervously squirmed in my seat as our professor walked us through the procedures for our prison visit. No jeans. No blue, green, or brown clothing; we don't want to be confused with an inmate or a guard. Wear comfortable shoes. There will be no negotiations for hostages.

Wait! What?

What was I doing? I am interested in patent law for goodness sake. Have the first two years of law school finally gotten to me?

The truth is: I wanted to try something different. I wanted to get outside of my comfort zone and see what my legal education can do in the real world. I thought the Northern California Innocence Project was far out of my comfort zone. I was wrong.

My experience at NCIP opened up my small little patent-law-centered world to a world of dangerous criminals, incompetent attorneys, and a broken system. NCIP, however, also opened up my world to kind-hearted inmates, caring attorneys, and a system that is slowly evolving toward justice. Although our justice system is plagued with imperfections, it is a work in progress.

What I valued most about my NCIP experience was having the privilege to help move our justice system forward. One innocent at a time. One change at a time. We will get there. And I can proudly say that, even if for just a flash of an instant, I was a part of that effort.

Teecia

Prosecutorial Immunity

continued from page 1

and in a very small number of cases, sought to discipline prosecutors while they have disciplined hundreds of civil practitioners.

NCIP's upcoming report has uncovered more than 500 California cases in which prosecutors committed a vast array of misconduct, including hiding evidence and witnesses, intimidating witnesses to testify falsely, altering evidence, misstating the law, and arguing facts not in evidence. The investigation reveals a criminal justice system in which prosecutors commit misconduct inside and outside of courtrooms across the State of California, without fear of discipline or reprimand.

In the 24 years since *Imbler* was decided, the Supreme Court has touched on the issue of prosecutorial misconduct in relatively few cases. Recently, however, the Court has shown a heightened interest, agreeing to hear three immunity cases in just the past 22 months.

In *Van de Kamp v. Goldstein*, Thomas Goldstein had been convicted of murder based on the false testimony of a jailhouse informant, who in previous cases had provided valuable information to prosecutors in exchange for personal favors. Benefits to informants bear on their reliability and are critical to the defense. For Goldstein, it raised serious questions about the witness's motivation, and, although constitutionally required to do so, the prosecutor did not share this information with the defense.

When the information was ultimately uncovered 24 years later, Goldstein was exonerated and, like *Imbler*, filed a civil rights action. But unlike *Imbler* who sued his prosecutors, Goldstein sued his prosecutor's supervisors, because the rule in *Imbler* had been a narrow one giving absolute immunity to the prosecutor in his role as advocate, and not, as the Court said, to activities "that cast him in the role

of an administrator or investigative officer." Goldstein's complaint was that administrators failed to properly train and supervise their deputies about their obligations in presenting informant testimony and did not have a system in place to facilitate information sharing. The Supreme Court ultimately agreed that the challenged actions were administrative—but then expanded absolute immunity to cover administrative functions of the prosecutor.

actions of a prosecutor who withheld evidence in a death row inmate's case that would have proved his innocence.

The *Connick* case began on December 6, 1984, when Ray Liuzza Jr., the son of a prominent New Orleans executive, was robbed and shot to death. Police had nothing more than a general description provided by two witnesses who said they saw a large black man with short-cropped hair running away. Three weeks later police had the names of two suspects, John Thompson and

At A Glance

Imbler v. Pachtman:
gave prosecutors "absolute" immunity

Van de Kamp v. Goldstein:
gave prosecutors' supervisors immunity

Pottawattamie County v. McGhee:
settled before Supreme Court could rule

Connick v. Thompson:
to determine whether municipalities are under the umbrella of immunity; scheduled to be heard fall 2010

Last year, the Supreme Court agreed to hear *Pottawattamie County, Iowa v. McGhee*. The prosecutors in that case used perjured and fabricated testimony and withheld reports on another suspect, resulting in the wrongful convictions and 26-year imprisonment of two men. After full briefing and oral argument before the Supreme Court, Iowa paid \$12 million to settle the lawsuit before the Court could rule on it.

This March, the Supreme Court agreed to hear *Connick v. Thompson*, a Louisiana case putting the issue of prosecutorial misconduct into the spotlight again. The Supreme Court will decide whether a district attorney's office can be held liable for the admitted

Kevin Freeman who, according to an informant, admitted killing Liuzza.

Around the same time, not far from the scene of the murder, three teenaged siblings were robbed at gunpoint. Their assailant, they said, was black man with a bushy Afro haircut, roughly 5'7" to 5'10" with a slim build. They said that after the man jumped into their car, the driver, Jay Lagarde, drove the car onto a median strip and stopped. There, he began fighting with the robber who, after a brief struggle, gave up and ran away. When the police arrived, they noticed the attacker had left his blood on Jay's pants. Police cut out the stained fabric and submitted it as evidence.

Two days after the carjacking, John

Thompson was arrested and charged with the murder, an event that was a major news story in New Orleans. Jay Lagarde's father saw a television report of Thompson being escorted by police and wondered if he might be the man who robbed his children. When the teenagers saw Thompson's picture, they were convinced he was their attacker—even though the man they described as black, bushy Afro haircut, roughly 5'7" to 5'10", and slim build, looked nothing like the man the Liuzza witnesses described as large and black with short-cropped hair. Lagarde called prosecutors, and Thompson was charged with the robbery as well.

Over defense objection, prosecutors were permitted to try the robbery case first, a strategic move because a robbery conviction would make Thompson eligible for the death penalty in the murder case. Thompson was convicted of the robbery and, as expected, the murder was upgraded to a capital case and Thompson was convicted and sentenced to death.

Over the next 18 years, Thompson exhausted his appeals. But less than three weeks before he was to die, a defense investigator searching an old court file made an incredible discovery—a previously undisclosed lab report proving that the blood on the Jay Lagarde's pants was a different blood type than Thompson's, proving that he did not commit the robbery.

Based on these findings, Thompson's execution was stayed, the robbery conviction was overturned, and he was granted a new trial on the murder charge. At his second trial, the blood test results and other previously undisclosed evidence were presented, including police reports, benefits for informants, and new eyewitnesses. In under an hour, the jury found him not guilty. After 18 years on death row, Thompson was freed.

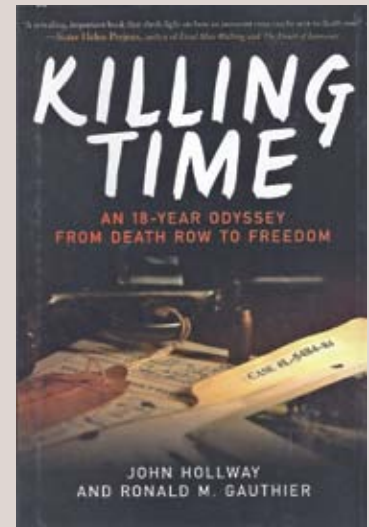
Why had the blood evidence not been disclosed to the defense prior to trial?

What surfaced next was even more astounding. Five years earlier, Gerry Deegan, one of Thompson's prosecutors, was diagnosed with terminal cancer. Knowing he was about to die, he disclosed to a close friend, also a prosecutor, that he had concealed critical blood test results in a robbery case, and as a result, John Thompson was on death row. Deegan's friend did not come forward with this information—not even after Deegan died. The information surfaced only after the execution was stayed.

Thompson filed suit against District Attorney Harry Connick and the Orleans Parish District Attorney's Office. In 2003, a jury awarded him \$14 million in damages. The jury found Connick had acted with "deliberate indifference" by failing to train his deputies in their constitutional obligations to provide exculpatory evidence to defendants. The U.S. Court of Appeals for the Fifth Circuit upheld the award, and the Supreme Court granted certiorari to review it.

Under limited circumstances, a municipal government may be held liable for the conduct of its agencies. Since *Imbler* gave trial prosecutors absolute immunity and *Goldstein* extended the protection to their supervisors, the only avenue left for Thompson was to sue under the municipal liability theory. The Supreme Court granted certiorari on the narrow question of the municipal liability of the District Attorney's Office.

Arguments in *Connick v. Thompson* are expected to be heard this fall, when Americans will see whether the Court continues the pattern of expanding immunity, even as it should be limiting it. Follow this case in the fall on the Supreme Court website, www.supremecourt.gov, docket # 09-571. ♦



The story of John Thompson, whose case the Supreme Court will hear in the fall, is revealed in a compelling new book, *Killing Time: An 18-year Odyssey from Death Row to Freedom*. Authors John Hollway and Ronald M. Gauthier take readers inside the mind and heart of Thompson from the moment of his arrest for the December 6, 1984, murder of Ray Liuzza Jr. until Thompson's release from prison on May 10, 2003, when he was given back his 18-year-old clothes (which amazingly still fit) and \$10 for bus fare.

Since his release from prison Thompson has formed an organization called Resurrection after Exoneration, which helps wrongly convicted inmates re-enter society. A portion of the sales proceeds from the book goes directly to Thompson.

The rest of the story will play out later this year in the U.S. Supreme Court. For lawyers, judges and those who love a historic legal drama, *Killing Time* should be required reading.

Reprinted with the permission of Daily Journal Corp. (2010).

Order a copy of *Killing Time* and support NCIP at <http://amzn.to/bNEd1S>.

NCIP to Study California Eyewitness ID Policies

continued from page 3

In an attempt to improve the accuracy of eyewitness identification in this state, CCFAJ made recommendations in 2006 that included best practices recommended by the U.S. Department of Justice (see sidebar on page 3). Ultimately, California legislators passed a bill designed to improve California's eyewitness procedures. While the bills passed in both the Senate and the Assembly, Governor Schwarzenegger vetoed the bills.

NCIP is now tackling the problem in a different way—through a research grant from the VanLoben Sels/RembeRock Foundation to examine how eyewitness identifications are currently being performed in California. NCIP has begun reaching out to police and investigative agencies informally to obtain the information, and is sending a California Public Records Act request to every law enforcement agency statewide. The request asks each agency for a copy of its written training materials governing eyewitness-identification procedures.

The research project is modeled on similar efforts by the Georgia and Wisconsin Innocence Projects, according to Maitreya Badami, the NCIP supervising attorney overseeing the program. After the Georgia Innocence Project conducted and published its research, Georgia law enforcement agencies voluntarily adopted written policies incorporating some of the best practices for reducing mistaken identifications.

Wisconsin's eyewitness identification research was conducted after a law was enacted, to measure the effectiveness of that law. According to Keith Findley, co-founder of the Wisconsin Innocence Project, the results suggest that the law was largely successful in both getting police to adopt written policies and in getting them to modify their ID procedures to be consistent with most of the recommendations for reform.

You be the Judge: Can Lineups be Suggestive?

The only eyewitness in this criminal case was an 11-year-old, who described the perpetrator as "old and fat with bushy hair, like a grandpa." Based on the description, who do you think was selected as the perpetrator?

Answer, page 19.



continued from page 18

“We hope to find that lots of California law enforcement agencies have already incorporated these practices,” said Badami. “And for those that have not, we hope to encourage their adoption.”

Locally, Santa Clara County adopted a lineup protocol in 2002 that incorporates some of the best practices. They have recommended double-blind and sequential identification procedures. In a report to CCFAJ, Deputy District Attorney David Angel said that all law enforcement agencies in Santa Clara County agreed to the protocol without dissent. The protocol has been successfully implemented without complaint, he said.

NCIP is optimistic that this project will prompt agencies throughout the state that have not incorporated the best practices to reform.

“Ideally we want law enforcement agencies to voluntarily incorporate the best practices, as it increases the accuracy of good identifications,” said Badami. “By fostering more accurate means of developing eyewitness testimony, NCIP hopes to reduce the number of wrongfully identified suspects and, thereby, reduce the number of wrongful convictions.” ♦

Answer to “You be the Judge”

subject number four was selected as the perpetrator. We can tell that this lineup is unduly suggestive, because a social scientist created a study based upon it in which 87 percent of those surveyed chose subject number four. Participants had never seen the perpetrator and were told only the description given by the eyewitness. If this had been a fair lineup—one in which not only the police’s suspect but also the “fillers” generally matched the witness’s description of the perpetrator—each subject would have been chosen by approximately 20% of the study’s participants. Yet this identification was admitted in court and was the primary evidence resulting in the defendant’s conviction.

Wrongful Prosecution Grant Attorney Hired to Help the Wrongfully Convicted

continued from page 6

No stranger to post-conviction work and habeas corpus proceedings, Press has spent the past 18 years representing death-sentenced prisoners in state and federal habeas corpus proceedings. He has experience both in California and Mississippi, where he formed a non-profit to represent Mississippi’s death-row prisoners. A former death penalty law clerk for the U.S. Court of Appeals for the 9th Circuit; he was a deputy state public defender and attorney at the Habeas Corpus Resource Center in San Francisco. Press has spoken at numerous trainings and conferences on post-conviction representation, specifically on the issue of a prosecutor’s constitutional duty under *Brady v. Maryland* to provide exculpatory material to defense counsel.

Press has already played a role in reducing NCIP’s backlog, screening nearly 100 cases, while also serving as a resource for project attorneys whose cases are already in litigation.

“We are elated to have been awarded this grant and to have Charlie on board,” said Linda Starr, NCIP legal director. “We receive nearly 1,000 requests for assistance each year and this means we can more quickly identify those who may be wrongfully convicted and pursue litigation.”

Notification of the award came from U.S. Representative Mike Honda (CA-15), an advocate for those in his district in both securing funds and creating jobs, who served on the Project’s 2010 Justice for All Honorary Committee. “I was pleased to inform the Northern California Innocence Project they had been awarded the Wrongful Prosecution Review grant,” said Honda. “Their work exonerating the innocent often leads to apprehending the actual perpetrator, and is vital to maintaining the integrity of our justice system.” ♦

Fast Fact

In at least 48% of the misidentification cases where a wrongfully convicted defendant was exonerated and a real perpetrator later identified through DNA testing, the real perpetrator had gone on to commit (and was convicted of) additional violent crimes including rape, murder, attempted murder.

Innocence Project Report, “Reevaluating Lineups”

Donor Honor Roll

Thanks to the generous support of our donors, we can continue our important work—fighting for justice for those who have been wrongly convicted, raising public awareness about the prevalence and causes of wrongful conviction, and promoting substantive legal reforms to prevent future wrongful convictions.

Please note: This list reflects **cumulative** gifts and pledges received between January 1, 2009, and June 1, 2010. We make every effort to compile an accurate list. If your name is missing, misspelled or there are other inaccuracies, please contact Lee Raney, associate director, at 408-554-4790 or email lraney@scu.edu.

Names in red indicate consistent giving

EXONERATORS (\$100,000+)

Anonymous (1)
Jean Perkins Foundation
Gerbode Family Foundation/
Colin, Ian and Sharon Gerbode
Frank and Denise Quattrone
Foundation/
Frank and Denise Quattrone

LIBERATORS (\$50,000 – \$99,000)

The Campbell Family Foundation/
Bill Campbell
Listwin Family Foundation/
Don Listwin

FREEDOM FIGHTERS (\$25,000 – \$49,000)

Anonymous (1)
James Anderson
William J. Brady
John Donahoe
Elaine and Kenneth Langone
Worth and Andy Ludwick
Van and Eddi Van Auken

JUSTICE SEEKERS (\$10,000 – \$24,999)

Anonymous (2)
Jeanne and Albert Abramson
Marilyn and Fred Anderson
Asset Management Company

Benhamou Global Ventures
Marc Bodnick and Michelle Sandberg
Gail and Ron Conway
Cooley Godward Kronish
Davis Polk & Wardwell
DLA Piper
Anne and Adrian Dollard
Donna Dubinsky and Leonard Schustek
Patricia Dunn and William Jahnke
Judith Estrin
Ronda and Gordon Eubanks
Hackworth Family Foundation/
Jean and Mike Hackworth
Nancy Heinen and Dennis DeBroeck
Howard Rice Nemerovski Canady Falk & Rabkin
Franklin "Pitch" Johnson
Miriam and Sean Kali-Rai
Keare/Hodge Family Foundation/
Stacy Keare and John Hodge
Keker & Van Nest LLP
Kathryn and Richard Kimball
Stan McKee
Miller Family Foundation/
Jeff and Karen Miller
Morrison & Foerster
Susan and Gib Myers
O'Melveny & Myers
Qatalyst Partners
Valeta and TJ Rodgers
Linda and Ted Schlein
Ken Schroeder and Frances Codisposti

Shearman & Sterling
Silicon Valley Bank
Simpson Thacher & Bartlett
Skadden Arps Slate Meagher & Flom
Connie and Sina Tamaddon
Van Loben Sels/
Rembe Rock Foundation
Wilson Sonsini Goodrich & Rosati
Foundation

PATRIOTS (\$5,000 – \$9,999)

Anonymous (2)
2b1 Inc.
William Carrico and Suzan Woods
Christopher Carter
Cypress Semiconductor
Pamela Dougherty
Stephanie and Mory Ejabat
Farella Braun & Martel
Kenneth Goldman and Susan Valeriote
Michael Guthrie
Eileen and Leonard Herman
Kamilla and John Hurley
Gail and Tom Kaneb
Julie and Mitchell Kertzman
Latham & Watkins
Legacy Venture
Candace and Mark Leonard
Mayfield Fund Foundation
Paul, Weiss, Rifkind, Wharton & Garrison
PRx, Inc.
Nikki Pope
Karen Rudolph and Jimi Simmons
Santa Clara Law
Marjorie and Judge H. Lee Sarokin
Kathy Schlein
Zhone Technologies

ADVOCATES (\$2,500 – \$4,999)

Marc Andreessen and Laura Arrillaga
Polly and Thomas Bredt
Claire and John Davis
Margaret and Reid Dennis
Jeannette and Grant Heidrich
Allyson and Robert Kavner
Mary Jane and William Kelly
Ellen Kreitzberg and Tom Hoglund
Tom Lehrer

Suruchi Mohan
Susan and John Paul
Cynthia and Allen Ruby
Margie and Dennis Sullivan

DEFENDERS (\$1,000 – \$2,499)

Jeryl and Ronald Abelmann
Janice and William Anderson
Margalynne Armstrong and Andrew Pierce
Edward (Ned) Barnholt
Megan and Harris Barton
Benchmark Capital
The Boehlke Family Foundation/
Robert and Kay Boehlke
Sally and John Bourgojn
Diane and Aldo Branch
John Burton
Michelle Gerstel Costello
Sarah and Jason Dilullo
Christine and Francis Currie
Gwen and Roger Dawson
John Dawson
Lauren and Alan Denenberg
Donna Nguyen Do and Khoa Do
Bill Donahoe and Kris Klein
Rhonda and Jim Donato
Barbara Fargo and Marty Williams
Clare and Jack Friedman
Gregory Gallo
Jean M. Gill
Melinda Haag
Kathleen and Harry Haigood
Deborah and Russ Hall
Harbourton Foundation/
Amy and Jay Regan
Dr. and Mrs. Birt Harvey
Kenneth Hausman and Ellyn Lazarus
Stephanie and Gregory Jensen
Craig Johnson
Ron Johnson
Robert Kent
Robert Kibble
John Kispert
Michael Kresser and Darby Siempelkamp
Steve LaVaute
Leslie Family Foundation/
Debra and Mark Leslie
Craig E. Lighty Fund
Mark Magner and Wendy Hawkins
Lori and David Marquardt

Donor Honor Roll

Laurence Masson
Lori and Dennis McBride
Sharon and Stan Meresman
Jessica and Richard Millard
Cynthia and Forrest Miller
Alexandra Pantazis
Julia and David Popowitz
The Praisner Family Foundation/
Jan and Michael Praisner
Debra and Andrew Rachleff
Lawrence Reardon
Revolution Partners
Richard MacDonald Studio, Inc.
Dennis Riordan
Barbara and Dave Roux
Martha and Greg Ryan
Hank Scherf
SHB Associates
Jane and Larry Solomon
Steyer, Lowenthal, Boodrookas,
Alvarez & Smith LLP
Alice and Kenneth Starr
Patricia and Stephen Suelzt
Jean and Stephen Sullivan
Joshua Tanzer
Martha and Gerald Uelmen
W.M. Wood
Jeanne and Cyril Yansouni

PARTNERS (\$500 – \$999)

Anonymous (1)
Cris Arguedas, Ted Cassman &
Laurel Headley
Michele and Allen Asch
Jennifer and Charles Beeler
Bonora D'Andrea LLC
Hilton Brown
William Burnham
Valerie and Dominick Curatola
Martin Dermer
James Dirks
Peter Dunbar
Community Futures Collective/
Marina Drummer
Michael Fertik
Donald E. Field
John Foderaro
Maggie Gomez
Donald Greenberg
Deborah and Russ Hall
The Herzig Family Foundation/
Alan Herzig
Adam Huff
Lynn Johnson

Patricia Kern and Lawrence Rosania
Carole and Mark Louie
Shaun Maguire
Courtney Minick
Elaine and Armond Neukermans
Beverly Norman-Cooper
Susan and Donald Polden
Wendy Richards
William Roundtree
Mary and John Schmelzer
Alan Shanken
Margaret and Allan Steyer
Craig Taylor
Stuart Taylor
James Thomson
Carolyn and H. Anton Tucher
Gregory Turnbull
University Corporation at
Monterey Bay
Jim Weldon

ASSOCIATES (\$250 – \$499)

Anonymous (2)
Douglas Ardley
Gail Bates and Peter Yessne
Becky and Jeff Bleich
Jackie and Richard Boberg
Anne Bossange
Jeff and Eva Camp
Cartwright, Scruggs, Fulton &
Walther
Colleen Chien
Conte's Generator Service/
Laurel and Frank Conte
Crystal Springs Foundation/
Joyce and Mike Murray
Dermer Law Firm/
Joe Dermer
Anjula and V.N. Dewan
Larry Donatoni
Janice Dong
Amy Forbes and Andrew Murr
Mary and Ross Gilbert
Marian and Roger Gray
Michele and Brian Gustafon
Donald Hardy
Kelli and Matthew Howard
Karin and John Jelavich
Daniel Kelly
Teresa and William Krivan
Michele Kyrouz
Leanne Hull MacDougall
Jacqueline and John McMahan
Trudy Niehans

Christian Nielsen
Notkin Family Trust / Shelby Notkin
Bonnie and Robert Peterson
Margaret Russell and
Lee Halterman
Kathleen Rydar
Nilima Sabharwal
Nick Solotruk
Ed Steinman
Vonda and J. Daniel Tibbitts
Jennifer and Victor Tirva
Lovell Tsai and Seth Flaggberg
Jill and Rob Ultan

COUNSELORS (\$100 – \$249)

Anonymous (3)
Helen Abruzzini
Georgia Bacil
Claire Ballard
Winsor Barbee
Cori Barton
Benchmark Capital
Karen Bernosky
Ashvini Bhav
Chris Boscia
Tanya Bracegirdle
Emma Bradford and Nigel Pavao
Marcus Bromley
Marco Campagna
Guy Conger
Roy Crawford
Melissa Davidson
Daniel Dean
Richard Doctoroff

Natasha Doner
Cathy Dreyfuss
Marty Feldman
Thomas Ferrito
Roberta Fitzpatrick
John F. Font, Ph.D.
Dennis Fox
Susan Frank
Carl Frazier
Larry Gerston
Audrey and E. Jackson Going
Barbara Gooding
David Gregorio
Brad Gross
J.J. Hamlyn
Harrington & Ingram/
Richard Ingram
Amara Hayashida
William Ibershof
Deborah and Dale Ikeda
Arthur Jackson
Mary L. Kennedy
Richard King
Joan Dempsey Klein and
Conrad Klein
Barbara and Jerry Kosar
Jay and Lael Kovtun
Eleanor Kraft
Dave Kwinter
Alan Lagod
Margaret Lizaur
Linda Mar
Shelly Masur
Margaret McAuliffe
Sachin Mehta

Consistent Giving

How do I get my name in red?

There are several ways to make sure your giving pattern is consistent and to join the supporters who are highlighted this year.

EFT: Set up an electronic funds transfer with your bank on a monthly, quarterly, or annual basis.

Recurring Gifts: Set up recurring payments with your credit card. You can decide the frequency.

Pledge: Make a pledge commitment over five years. We will remind you annually.

Grant: Recommend a multiyear grant to your charitable trust or community or family foundation. Most foundations can set up annual installments over a five-year period.

Donor Honor Roll

Thomas Mitchell
 Patricia Nipper
 Noke Charitable Foundation
 Mary and Craig Noke
 Merry and Glenn Nolte
 Frank O'Neill
 Michael Pressman
 Marilyn Proffitt
 Redwood City Public Library
 Jennifer Rogar
 N.F. Rusteen
 Agnes Rymer
 Dallas Sacher
 John Sandersfeld
 Kandis Scott
 Patricia Seeds
 Harriet Siegel
 Carol and Morton Siegler
 Carolyn Silberman
 Francie and Mike Silva
 Scott Solis
 Barbara Steinberg and Frank Lossy
 Kathleen and Neal Stephens
 Vivian Tan
 Nino Tolentino
 Varda Treibach-Heck and Tim Heck
 Chris Waters and Melissa Wardlaw
 Michelle Waters and Peter Golcher
 Erich Winkler

FRIENDS (UP TO \$100)

Carleen Arlidge
 Cecilia and William Arzbaeher
 Michael Berger
 Mary Margaret Blanchard
 Grace and Marshall Bowers
 Meri Lisa Bozzini
 Jeremy Carroll
 Lauren Case
 Bridget Cash
 Jeanne and Edward Cavallini
 Bernadette Codrington
 Vince Cogan
 Andrew Conner
 Stella Constancio
 Paul Couming
 Mary Sue Crawford
 Julie and David Cruickshank
 Margit David
 Laurel Davidson
 Irma Eisenberg
 Amanda Freel
 Eugenio Garcia
 Lauren Geller
 Cliff Glickman

Sarah Graham
 Traci Grant
 Abby Green
 Karen Guldán
 Minoo Gupta
 Candace Hale
 Orlinda Hamel
 Liz Hamm
 Rob Harper
 Matthew Hathorne
 Joie Healy
 Brette Hudacek
 Josh Kaminker
 Martina Kanau
 Christine Kawamoto
 Silvia Keller
 Gretchen Kenney
 Kelly King
 Patricia and Michael Knowles
 Carol Koenig
 Kristi Kovacich
 Joseph Kral
 Laurie Laird
 John Lambert
 Lorraine and Mark Lang
 Marilou Lieman
 Suzanne Loew
 Carolyn MacKenzie
 Ben Martin
 Silvia and Kevin Martinez
 Miguel Mateos
 Mercedes and Terence McCaffrey
 Marlyn McClaskey
 Marie McEnery
 Liza Meak
 Cynthia Mertens and Jim Rowan
 Elizabeth Messmer
 Jo Ann Morgan
 Karen Mudurian
 Riyan Mynuddin
 Adele Negro
 Kristi Nevarez
 Barbara and Kevin O'Reilly
 Henry Organ
 Sylvia Palma
 Stewart Park
 Marina Perelman
 Mary Jane Perna
 Marcella and Ricky Pitts
 Darien Provence
 Teresa Ramos
 Samantha Reardon
 Audrey Redmond
 Mariam Rodriguez
 Jessica Rosenberg
 Jared Rowe

Donna Rowell
 Saundra Kae Rubel
 James Rudoy
 Maureen Pettibone Ryan
 Nicole Ryan
 Kylee Sargenti
 Gregory Schultz
 Kirstin Sego
 Ashley Selman
 David Shelton
 George Shull
 Stephen Sperber
 Margaret Stevenson and
 David Flamm
 Mary Strong
 Mary and Henry Talifer
 Cynthia Taylor and Michael Millman
 United Way
 Alejandra Vera-Vischer
 Ricky Westmorland
 Alec Woodward
 Norma Yuriar

HONORING

In Honor of Jim Anderson
 Suzan and William Carrico
 Judith Estrin
 Foundation Capital
 Jeannette and Grant Heidrich
 Robert Kibble
 Steve LaVaute
 Legacy Venture
 Leslie Family Foundation/ Debra
 and Mark Leslie
 Lori and David Marquardt
 Mayfield Fund Foundation
 Susan and John Paul
 Debra and Andy Rachleff
 Martha and Greg Ryan
 Anne and Craig Taylor

In Honor of Jim and Rhonda Donato
 Becky Bleich

In Honor of Russ and Debbie Hall
 Carole and Mark Louie

In Honor of John Hodge and Stacy Keare
 Alan Shanken

In Honor of Dennis McBride
 Silvia and Kevin Martinez

In Honor of Nikki Pope
 Carolyn Silberman

In Honor of Frank Quattrone
 Claire and John Davis
 Craig Johnson
 Kathryn and Richard Kimball
 Debra and Andrew Rachleff

In Honor of Jack Sagin
 Barbara and Jerry Kosar

In Honor of H. Lee Sarokin
 Anonymous (1)
 Mary and Ross Gilbert
 Eileen and Leonard Herman
 Lael and Jay Kovtun
 Agnes Rymer
 Carol and Morton Siegler

REMEMBERING

In Memory of Phyllis Baron
 Gail Bates and Peter Yessne

In Memory of Robert Berke
 Martha and Gerald Uelmen

In Memory of Jim Flynn
 John Sandersfeld

MATCHING GIFTS

BAE Systems
 The Capital Group Companies
 Charitable Foundation
 Microsoft
 Radian
 Rockwell Collins International Inc.

Sign up for NCIP e-news

Get NCIP news delivered
 directly to your inbox.
 Sign up by emailing us
 at ncip@scu.edu.

Give the Gift of Freedom!

Your generosity helps to free the wrongly convicted.

Your donation provides the opportunity to achieve even greater success in 2010.

In 2010 the Innocence Project will process over 900 requests for assistance received from inmates who are among California's 167,000 prisoners. Currently, Innocence Project attorneys, staff and dozens of Santa Clara University law students are investigating or litigating over 100 active cases! Your support gives us the means to free the innocent and fight for systemic changes to ensure innocent people are not imprisoned for crimes they did not commit.

To donate by phone please call 408.554.4790

☐ Please accept my gift to the Northern California Innocence Project.

☐ My company will match my gift. Company name _____

Amount ☐ \$5,000 ☐ \$1,000 ☐ \$500 ☐ \$250 ☐ \$100 Other _____

Name _____

Address _____ City _____ State _____ ZIP _____

Home phone _____ Work phone _____ Email _____

☐ Please charge my credit card. Check one: ☐ Visa ☐ MasterCard ☐ Amex ☐ Discover

Card # _____

Expiration date _____ Name on card _____

Signature _____

☐ My check, payable to Northern California Innocence Project, is enclosed.

Mail to Northern California Innocence Project at Santa Clara Law, 900 Lafayette St., Suite 105, Santa Clara CA 95050-4934

☐ I would like to donate stock. Please contact me.

☐ I would like to include NCIP in my estate planning.
Please contact me about your planned giving program.

My gift is in honor of _____

My gift is in memory of _____

Please list my name(s) in your donor publications as _____

☐ No, thank you. Please do not list me in your donor publications.

*Your contribution is tax deductible under Internal Revenue Service Act section 501(c)(3).
Our Tax ID number is 94-1156617.*

Thank you for your generosity!

To donate online, go to www.ncip.scu.edu



Nonprofit Organization
U.S. Postage
PAID
Permit No. 22
Santa Clara, CA

Santa Clara University
Northern California Innocence Project
500 El Camino Real
Santa Clara, CA 95053-0422

RETURN SERVICE REQUESTED

www.ncip.scu.edu

You Can Help

3 Things You Can Do to Help Exonerate Innocent People and Prevent Wrongful Convictions

- 1 GET CONNECTED.**
Join us on Facebook, LinkedIn and Twitter (search for Northern California Innocence Project), and email us at ncip@scu.edu to receive our e-newsletters, to stay abreast on NCIP cases and other news as it happens.
- 2 STAY INFORMED.**
Read, watch, then share a book or movie to learn more about wrongful convictions. There are dozens of books, films, television specials and other resources available. See our recommended reading list at <http://amzn.to/bNEd1S>.
- 3 SUPPORT NCIP.**
The Project is a nonprofit organization that relies on financial support from individuals and foundations. Your donation will help pay for DNA testing, forensic research and investigative trips to interview eyewitnesses, and other essential activities. Use the form enclosed or go to www.ncip.scu.edu.